



Papua New Guinea
National Council of Women

THE CEDAW SHADOW REPORT



**ON THE STATUS OF WOMEN IN PAPUA NEW
GUINEA AND THE AUTONOMOUS REGION OF
BOUGAINVILLE**

2010

Dedication

This Shadow Report is dedicated to the memory of Enaha Peri Kwa (1973-2010) -- a real champion of gender mainstreaming in Papua New Guinea

FOREWORD



The progress of women in PNG has not kept pace with the overall efforts of successive governments to achieve economic and political development of the country.

The NCW was established in 1979 by an Act of Parliament to be the national focal point for women. It has been a challenge to get governments over the last 35 years to provide resources and technical support to NCW and its member organizations need to carry out programmes aimed at mainstreaming women and gender issues in development. While the NCW is the national focal point for 50 percent of the population it has had to make do with a government allocation of US\$30,000 per year since its establishment. Many of its programmes and projects are heavily dependent on international aid donors.

It has been a struggle to source funding to fulfil this Shadow reporting obligation towards this honourable UN Convention.

As President, I am proud to say, this Shadow Report is the outcome of a team of Gender and Development experts. This Report will now serve as the bases for which the Government, the women, and people of PNG can measure the extent of our successes and achievements in the years to come.

This is the first NGO Shadow Report. I believe it sets the benchmark for the development and advancement of women and girls in PNG.

A handwritten signature in cursive script, enclosed within an oval border.

Scholla Kakas

President
National Council of Women

ACKNOWLEDGEMENT

This Shadow Report was put together with the contributions of the women of Papua New Guinea under the leadership of the National Council of Women. The Report took almost six months to complete. The information contained in this Report was garnered through consultations with women's groups, key informants, and from two national stakeholder workshops. Many women from the rural and urban areas and from different professional backgrounds were engaged through this process.

As part of the process the Government's Report was assessed by a team of local experts who provided critical and useful advice in the formulation of this Shadow Report. The reports of the experts were further synthesised by an Advisory Committee made up of prominent women and three male champions. The members of the Advisory Committee are Dorothy Tekwie (Chairperson), Scholla Kakas (President, NCW), Lily Tua (NCW General Secretary), Dickson Kirage (NCW Deputy General Secretary), Theresa Jaintong (NCW Treasurer), Dr. Anne Waiko, Dr. Orovu Sepoe, Simon Pentanu, and Associate Professor Eric Kwa (NCW Legal Counsel). The Advisory Team is ably supported by Priscilla Kare (NCW CEDAW Coordinator) and the administrative staff of the National Council of Women.

Typesetting and graphic design was undertaken by Benjamin Cheong and proof reading of the Report was done by Dr. Steven Winduo.

The Shadow Report was supported financially by the UNIFEM Pacific.



Young women of tomorrow



National Women's Day 2010

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ABBREVIATION

ABG	Autonomous Bougainville Government
AusAid	Australian International Development Assistance
BPoA	Beijing Platform of Action
ARB	Autonomous Region of Bougainville
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSO	Civil Society Organization
MTDS	Medium Term Development Strategy
NCW	National Council of Women
NGO	Non-Governmental Organization
ODW	Office for the Development of Women
PNG	Papua New Guinea
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
UNDP	United Nations Development Programme

INTRODUCTION

The Papua New Guinea State Report¹ does not fully reflect the important role of women in the society. It falls short of capturing the true extent to which women of PNG have been subjected to marginalisation perpetrated by the state and the male dominated socio-economic and political systems.

PNG gained independence on 16 September, 1975 and ratified CEDAW on 12 January 1995. It made its initial, first, second, and third periodic report in July 2008.²

The process of preparing this Shadow Report based on the 2008 Report began soon after the PNG Government CEDAW Report was launched in July 2009. A team of national experts were engaged by the National Council of Women (NCW) with the assistance of United Nations Fund for Women (UNIFEM) as analysts and advisers to complete this process, which involved wide consultation with stakeholders, including women representatives from the provinces. The NCW began the process for the shadowing of the State Report through a critical analysis report written by PNG's own team of consultants. The National CEDAW Workshop collated information from the participants. An outcome of the workshop was to identify the Advisory Committee whose role was to make sure the CEDAW Shadow Report was completed on time.

This first PNG Shadow Report analyses the state report 2008 through the eyes of PNG women, women leaders, and national gender experts in all fields. It reflects a partnership between the UN agencies of UNIFEM, UNDP, and UNFPA with the NCW and its affiliates, and PNG gender and women stakeholders.

The process of compiling PNG's Shadow report was slow for the last two years. It picked up momentum in late 2009 when PNG Analysts were engaged by the NCW with UNIFEM funding to provide analytical responses to the 2008 Government Report.

As a Shadow Report, this Report is premised on the PNG Government's Report. It is divided into two sections: Part one covers the rest of Papua New Guinea (PNG) and Part two analyses the report on Bougainville.

The general view of contributors of this Report is that the Papua New Guinea 2008 National CEDAW Report is a poor report. It was written by a foreign consultant who did not consult national stakeholders. The report failed to acknowledge or reflect the fact that Papua New Guinea women and development history has been built largely on bilateral and multilateral technical assistance. The PNG Government has taken initiatives in response to the wave of pressure from international women's movements such as the Beijing Platform of Action (BPoA). Funding women's development, however, has been limited to keeping the NCW alive. Many programmes of women's organizations at the national and provincial level are not funded. Plans to accelerate the acceptance of the plight of women and the general advancement of women are not realized.

¹ Government of Papua New Guinea, 2008. Initial, First, Second, Third, and Fourth Report 2008

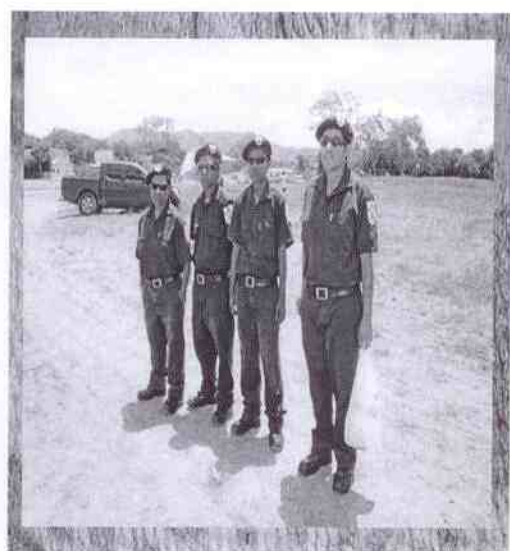
² It is noted here that the CEDAW reporting process is in its third reporting stage for PNG.

This Shadow Report reflects the views of women from all sectors, including Provincial Councils of Women, Non Governmental Organizations (NGO), civil society leaders and workers, academics, businesswomen, development practitioners, and many prominent and private citizens who are instrumental in the women’s movement since independence.

We believe, this report reflects the representative views of Papua New Guinean women based on extensive consultations and contributions of women themselves towards the compilation of this first Shadow Report.



Young women supporting culture



Women Fire Fighters

PART A: PAPUA NEW GUINEA

PART ONE: THE NATIONAL CONTEXT

THE LAND AND THE PEOPLE

Papua New Guinea is a unique country that cannot be compared with other nations. Gender issues, likewise are unique and cannot be compared to other countries. Lessons from other countries, however, are applicable in principle to the local contexts. The transition from traditional to modern civilization has been a slow process. Change in the mindset and the attitudes of our people are slow as well. The State CEDAW Report shows that even the elites and educated people of this land are yet to let go of their comfort zones of the big man titles and positions of power. The fact remains, however, that women and girls are equal citizens of this country. They make up nearly half of the population of this land. Papua New Guinea is normally referred to as the 'Land of the Unexpected'. It is a country where half of the population is neglected, left illiterate, driven into submission by violence, left in a state of poverty and death through curable diseases. Many people are denied their rights to participate as citizens of a democratic country.

Women of PNG play an important role in both traditional and modern PNG society as peacemakers and feast makers. In traditional societies women are involved in the traditional economic system such as making shell money, growing food for exchange, and deciding on what the men used for trading. Today women are the force behind their family units and support systems. In the rural areas, women making up the majority of the population, are denied basic services and marginalized from mainstream development. The United States of America Government website on PNG says: "though land and other possessions may be inherited through the female line in some cultures, women generally are considered and treated as inferiors. Gender violence is endemic."³

PNG women are becoming the largest indigenous people who are losing their rights to land. Women's rights to making decisions on developments of their natural resources, in a country whose government places very high priority on exploitative industries and development of the country's rich natural resources, are denied. Women are marginalized in all these developments.

Papua New Guinea has a population of 6.5million (2008 est.) of which almost half are women. The annual population growth rate of two percent (2005-2010) is one of the highest in the world. These two indicators show that women are too important a human resource to marginalise in the development of this country.

³ <http://www.state.gov/r/pa/ci/bgn/2797.htm> The women of PNG, however, there are disputes on some of the descriptive facts about women contained in that report.

CONSTITUTIONAL AND POLITICAL BACKGROUND

PNG has one of the best constitutions in the world. It promotes the principles of equality and gives women citizens equal rights to participate and benefit from the development of the country.

The second goal of PNG's National Goals and Directive Principles of the *Constitution* says: 'We declare our second goal to be for all citizens to have equal opportunity to participate in, and benefit from the development of our country.' This noble principle, however, is not translated fully into real development and advancement of women in PNG.

Three major factors have played a major role in influencing the continued marginalisation of women of PNG. First, PNG is a predominately male dominated traditional society. The large illiterate rural population continues to promote and reinforce these traditional perceptions of male dominance and supremacy.

The second factor is that these traditional practices are further reinforced through the male dominated Christian religion, which indoctrinates followers and allows a majority of women to –be-good-enough to place flowers in the vases around the pulpits, but not good enough to preach from the pulpit. The preaching is for 'women be submissive to your husbands' and classify those women who do not fall into these group as sinners. This leads to continued general lack of confidence among the majority of Christian women, especially the young women. Many successful PNG women had to break this cycle of subtle control by both men and churches to progress into male dominated fields.

The third factor is that the traditional and Christian based 'values' have been translated and transformed into a male dominated political and economic system. Women continue to struggle to participate in and benefit from the development of our country. These systems of male preference were promoted by colonial administrators. These systems are now transferred into all forms of public and private sector programmes that continue to encourage sex roles, stereotypes, and prejudices that marginalize women.

Women in PNG encounter formidable challenges in succeeding or participating as 'equals' in the political and economic life of the country. Where women attempt to participate, the challenges and obstacles to succeed are enormous unlike their male counterparts.. It seems the system is designed to allow male polygamists, known criminals, corrupt, and uneducated males to enter politics. A finer filter is fitted for women citizens with the same ambitions, such that, even those with a 'Virgin Maria' image do not get into Parliament.

After 35 years of independence Papua New Guinea has only one woman Member of Parliament in a Legislature of 109 Members, representing 6.5 million people. Various legislative reforms such as the Limited Preferential Vote system (first used in 2007 elections) are improving women's chances of entering Parliament. The lack of public awareness, however, on this system and high levels of non-compliance to electoral laws and corrupt electoral and campaigning practices continue as the main challenges for women of PNG to participate on a level playing field to be successful in political life.

ECONOMIC SITUATION

The PNG economy is experiencing a major boost through the current Somare-Temu Government's focus on exploitation of natural resources such as fisheries, forestry, mining, oil, gas, and even carbon trading. The majority of people who are rural-based have not benefited in the last 30 - 40 years of the development of these natural resources. Where there are landowner participation, women have been excluded in the 'wheeling and dealing' between politicians, middleman, and investors. Economic development of PNG is basically an all male operation.

Women fill in lower paid jobs in these developments. Very few women make it as managers, technical experts, or negotiators in these matters even though three of PNG's gold and copper mines are located in matrilineal societies.

Many efforts for the advancement of women were initiated by women leaders, organizations, or entrepreneurs in business, agriculture, or mining to promote women's advancement in these sectors. Government programmes help promote these initiatives, but do not provide incentives to these women organizations to enable members to advance. Where there are government programmes and funds, very few women are aware of these opportunities. Lack of public awareness on these opportunities and the challenges of dealing with official and legal documents that are written in English prevent women from accessing them

The majority of women continue to labour in the informal sector as subsistent farmers and vendors. A small number of women, however, have moved into male dominated areas such as the hospitality industry, owning and managing guest houses, clothing shops, real estate, and small to medium scale farming.

SECTOR PERFORMANCE

PNG has not met its Millennium Development Goals (MDGs), the Medium Term Development Strategies (MTDS), the National Goals and Directive Principles, and the recently introduced Vision 2050 Plan and the Strategic Development Plan. Poverty alleviation is a major concern for all these plans and goals. The Government, however, lacks the political will to direct resources to implement the MDGs and MTDS where the majority of the people are concerned. Women continue to be acknowledged on paper in all these policy documents, but are marginalised in the mainstream government programmes.

Pollution of shoreline fisheries, removal of forests, water sources, good food garden lands for development projects deny women sources of survival. The break-down of education services and maternal-child health services in rural areas drive women further into poverty.

A major review of PNG Government's development programme and a plan for women has never been more urgent. Without doing so 50 percent of PNG's population will become marginalised in the country's development. A gender mainstreaming plan to accelerate the recognition, acceptance, and participation of women as equals in PNG's development is a must

STATUS OF WOMEN

The rapid development of the natural resources of this young nation has seen more people suffering from lack of social and economic services. Women bear much of the labour in sustaining their families. They comprise the bulk of the population left ignorant of government policies, denied basic health and education services. Women are left at the bottom of the development scale in all sectors of the PNG society.

Gender disparities prevail in all sectors of development as reflected in all parts of this Report. The lack of gender disaggregated data, however, means women's participation and contribution, especially in the economic sector, is not realised. Thus, special efforts to empower women are undermined and not monitored.

PNG women are kept at the periphery of mainstream development. The Government pays lip-service to integrate women fully into mainstream development through the MDGS and MTDS.

CHALLENGES

Gender equality and the advancement of women are not in concert with the development of this natural resource rich country. Males' attitudes toward women and their rights to participate in and benefit from PNG's development have not changed much after 35 years of Independence.

We agree with the Government Report on the Status of Women of PNG and the Autonomous Region of Bougainville. There are "barriers to women's advancement and empowerment". Problems of gender-based violence, quality reproductive health care, increasing HIV/AIDS, access to public financial management, education, and literacy, coupled with economic disparities, livelihoods, and the lack of participation in decision making at all levels continue to hinder women's progress. The onus is on the Government to apply the political will to address these concerns.

The Government Report did not cover the real threats posed by new and emerging issues such as climate change and its impact on food security, social impacts of rapid natural resource development sector, sorcery related violence, and law and order problems. The Report excludes women and gender concerns in major Development Plans and Strategies, and minority groups such as refugees and disabled women.

The following emerging issues should become the main priority issues and concerns that the Government must address:

- ***Climate Change and food security:*** The majority of the population in PNG is rural based, who live in small communities in the villages, in the forests, or on small isolated atolls and islands dependent on the forests and oceans for their sustenance. Women are the main food producers. They depend on the forests and reefs for their livelihood. As global warming increases climatic patterns change. Women become vulnerable to this change. Women become unsuspecting victims of gender-based violence. The PNG Government is currently formulating a National Climate Compatible Development Strategy. This

important initiative does not have a 'human face' to it, let alone it reflects the important role of women in food security.

A plan should be drawn up to study the effects of natural disasters and climate change on women so that extra protection and security are provided during emergencies.

- ***Social impact of rapid natural resource development:*** The Government of PNG has not learnt lessons from Bougainville. The resource owners who did not benefit from the mining activity waged a civil war. They became spectators to the destruction brought about from the mining activities on their land. This pattern is repeated in forestry, fisheries, gold, gas, oil, nickel resource development, and carbon trading projects. Women are marginalised in the development areas where women own land and resources.

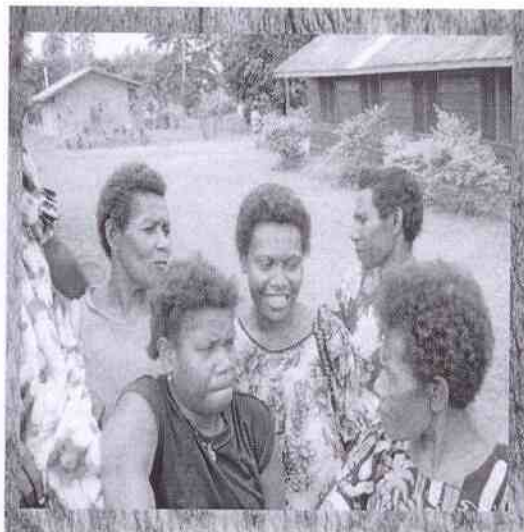
Foreign investors continue to engage and deal with men. Foreign women are also given preferences over qualified PNG women for jobs. PNG women fill almost all lower paid desk jobs. Women are abused, exploited, and discriminated by both foreign and national men involved in industrial logging. Many women suffer emotional and health related problems associated with long months or years of isolation from their husbands operating in remote mine sites. These women enjoy few benefits from their husbands. Some women in this situation end up getting no benefits at all. Some even end up losing their husbands to a new woman in the area where they husbands work. There are no national gender disaggregated data to gauge the number of women employed in these sectors.

- ***Sorcery:*** A new trend of torture and murder of women suspected of sorcery is emerging. Torture, abuse, burning and burying alive, banishment from village and land, beating and hanging are occurring in many PNG communities. Many women and female teenage children are victims of this male perpetrated violence.
- ***Law and order:*** PNG is normally described as one of the most dangerous countries in the world. Its cities are full of young unemployed men, known as 'raskols', who engage in robberies, rape, alcohol related violence, and murder. Women take great risks in going out especially at night or alone in certain places such as gardens, settlements, or isolated roads. Gender based violence is widespread. Domestic violence is accepted in general as a 'private problem' between couples. Government initiatives to curb this problem are inadequate in reducing PNG's high rate of violence. The fundamental principles of human rights, freedom of movement and expression by citizens are not upheld.
- ***Minority Groups: Refugees and Women with disabilities:*** The PNG Government CEDAW Report does not reflect the concerns of the minority who are growing in number. They are marginalised and left to struggle against all odds to survive the harsh realities of PNG cities, towns, and villages. Over 10,000 Melanesian political refugees from West Papua, a province of Indonesia, live in PNG. The numbers have increased over the years. It is estimated that about 7-8,000 of these are women and children. The PNG Government

has no refugee policy to treat these people as refugees. PNG has failed its obligations to several UN conventions and to CEDAW.



Women at Parliament House 2010



Women in Pomio District in Gender Workshop 2009

PART TWO: COMMENTARIES ON THE ARTICLES OF THE CONVENTION

ARTICLE 1: DEFINITION OF DISCRIMINATION

Vision 2050 recognizes the significance of the National Goals and Directive Principles#2 and Millennium Development Goals#3 that PNG as a nation has utilised less than 50% of the intellectual and creative potential of its people. Vision 2050 envisages and strongly recommends intervention programmes to achieve gender equity must be given more attention and be supported with sufficient resources; Vision 2050 (2009: p.53)

The basic rights of women citizens are enshrined in the preamble of PNG's National Constitution under the National Goals and Directive Principles. These goals of equality have not been translated into sustainable and tangible improvements to the situation of PNG women over 35 years of independence.

The long term Government policy is captured in the Vision 2050. Through this policy the Government is reasserting its commitment to addressing gender equity and improving women's lives. Words need to be translated into action with adequate resourcing at all levels of government.

RECOMMENDATIONS

Government needs to:

1. Move from rhetoric to mainstreaming gender and human rights programming at all levels for the implementation of programmes;
2. PNG Government must review and monitor all international conventions, treaties, and commitments, it has ratified, relevant to women. The worsening situation of women of PNG needs more attention, support, and funding of various activities to develop and promote women
3. PNG Government must immediately adopt the Optional Protocol of CEDAW to ensure that women have enforceable powers necessary for the protections guaranteed by the Convention.
4. Government must enact a law under section 117(8) of the Constitution to incorporate CEDAW as a domestic law.
5. Political will is needed to address discrimination under customary laws and gender based violence.



ARTICLE 2: OBLIGATIONS TO ELIMINATE DISCRIMINATION

This Report recognises the great advancement that made in the last few years in the prosecutions of sexual assault and domestic violence crimes. Many problems will remain with the criminal prosecution laws for crimes against women.

The perpetrator of a sexual assault on a young girl should not be afforded the defence. The offender believed the child was above 16 years of age. The offender should be punished for the crime committed.

A specific domestic violence law should be drawn up and enacted immediately to provide comprehensive civil and criminal protections. The law should include civil protection orders available to married and unmarried women and children, enforceable through the courts, and violations punished as a crime.

The effects of domestic violence on the beliefs, behaviours, and perceptions of victims,. This is now referred to as the "battered woman syndrome". Such evidence should be admissible in criminal and civil court to explain why women can't leave violent homes and why they acted in self-defence.

The Police Family Sexual Domestic Violence Unit, now a pilot project, should be reviewed with a goal towards duplication throughout the nation. This project receives sufficient resourcing to assure protection of the law is extended to all women in PNG.

RECOMMENDATIONS

1. PNG Government must immediately establish a Human Rights Commission;
2. Immediately legislate against polygamy as a discriminatory customary practice.
3. Forensic sexual assault units should be established in all hospitals and their costs fully funded by the government and staffed by trained personnel. Community advocates for

- sexual assault victims should be allowed to accompany women at the hospital and during police investigations.
4. Protocols available for public scrutiny should be developed for cases, involving violence against women, Police officers or any other government employee are also perpetrators of violence against women.

ARTICLE 3: THE DEVELOPMENT AND ADVANCEMENT OF WOMEN

As the peak women body NCW must be strengthened both financially and technically to enhance the advancement of women in PNG.

The National Council of Women was established in 1975 after the first UN International Year for Women and was incorporated by an Act of Parliament in 1979. The Government's Women's Division was established to provide direction and technical assistance and to facilitate funding resources.

The institutionalisation of gender within the government system occurred in an uncoordinated and disjointed manner. The women's machinery is located in the Department of Community Development under category C, which is the lowest of government budgetary priorities. The administrative structures created to address gender equality must be well thought out with appropriate linkages to lower levels of government and the non-government machinery that is, the National Council of Women. The NGO Gender focal Point is the National Council of Women. It has not been accorded its rightful place within the government system to receive adequate funding for half the population of PNG. The National Government must fund and provide resources to NCW as well as strengthen its network to empower women in PNG.

Endemic and systematic corruptions in the service delivery mechanisms of the governance systems deny women their basic right to services. The women's machinery that is in place is poorly funded and treated as 'goods and services' by the Department of Community Development.

RECOMMENDATIONS

1. With the recent increase in the number of Ministries in May 2010, the Government must create a separate Ministry for Women.
2. The Ombudsman Commission's role in eliminating discrimination must be strengthened by the Government.
3. The Government must enact a Gender Equality Law immediately.

ARTICLE 4: ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN (AFFIRMATIVE ACTION)

By 2050 substantive equality between men and women must be achieved.

Affirmative action policies and legislations exist. However, in terms of implementation no tangible achievements have been made due to cultural prejudices and failure to commit resources. Recognition of women remains political rhetoric and a failure on the part of a male-dominated political leadership to accept women as equal partners

RECOMMENDATIONS

1. The Department of Prime Minister and National Executive Council must develop a plan to operationalize the objectives of the Vision 2050 and Strategic Development Plan on gender equality.
2. There must be 50% of membership reserved for women at the Provincial Governments and LLG levels.
3. Enactment of the Organic Law on gender equality (section 55 of the Constitution) for specifying membership to boards and other representations including resource allocation is needed.
4. Thirty per cent of National Government recurrent budget to the Provincial and Local level Governments must be allocated to priority areas for women’s advancement

ARTICLE 5: SEX ROLES AND STEREOTYPING

In General the government continues to ignore its obligations under Article 5, partly because Article 5 is not specific enough as to what activities parties should focus on and to monitor.

Women’s *de jure* equality is guaranteed under the *Constitution*, but the *de facto* reality is determined by deeply embedded traditional customs and cultural values maintained without fail in modern PNG. Traditional gender constructs continue under modern state processes that are male dominated. The machination of culture, gendered state systems, Christianity, and the modern political economy are transforming the 800 different cultural groups that continue to survive in the country today. Gender inequality and the subordination of women differ markedly across the country because the length and depth of colonization and western contact varied across the country. This evolving and complex gender mosaic provides the backdrop for women, women’s groups, policymakers, lawyers, law makers, and development partners to emancipate women’s struggle in PNG.

Both men and women agree that culture is the reason and cause of women’s subordination in PNG. The Government Report is correct in pointing out that the *Constitution* guarantees equality for all sexes. The *Constitution* also accepts Custom as a source of law, making it difficult for gender equality and custom to coexist at times. Gender inequality is culturally constructed. Culture determines the division between the genders. The *Constitution* considers certain traditional or customary practices

to be repugnant to the general principles of humanity. Custom on the other hand is the main reference for the majority of the population whose worldviews, attitudes, behaviours, and social values are drawn from their customs. Men use custom to legitimize and maintain their control over women.

Individual men in the community, family, business, and government use traditional culture and sex stereotyping as excuses for limiting women's rights. Ridicule, humiliation, and physical threats and violence are used to push women back into a lesser role. Individual women attempting to assert their rights are often attacked. Men use a focused strategy to discourage other women who also might dare to challenge the stereotypes imposed on them to limit their actions. In rural areas, whole families may attack a woman, accusing her of being a "bad" mother or woman. Men also employ brutal violence or kill women accused of being a witch. Independence of women is viewed in negative terms by men whose independence is challenged.

"My very dear friend, someone very close to me, that was a social activist, a very young person, was accused of practising sorcery. I was told when I went looking for her two weeks ago that "she was not seen in the village". She had apparently gone far a dance somewhere and had not returned. I subsequently heard stories, and now I am told, that she went into a house where women were being tortured for practising sorcery. She tried to save the women, and she herself was killed - shot with a gun." Sarah Garap

The government does not have any programmes to help eliminate and modify customary practices. Cultural change resulting from education, mass media, Christianity, and modernity is uncontrolled and left unchecked. Thus, traditional cultural institutions and customs such as bride price, big man leadership, and gender inequality continue to evolve in modern times. Kinship ties are strong in PNG. They govern all manners of relations between people, covering support networks, morality, and land ownership. In many instances kinship relationships and obligations have been used for appointments on boards, budget priority committees, and nominated seats at various organizations and political offices

The Autonomous Government of Bougainville allows the matrilineal custom to coexist with the introduced Western state systems.

The government report fails to point out that polygamy is legal in PNG. The *Constitution* recognizes customary marriage, including polygamy. Attempts made in parliament to outlaw its practice were unsuccessful so far because the Parliament is a male-dominated house. Up until the present time, women's views on polygamy, especially those directly affected by it, continue to be muffled.⁴ The effect of polygamous marriage is gauged by the numbers of murders and fights occurring between co-wives. The Constitutional Law Reform Commission is in the process of reviewing and drafting legislation to outlaw polygamy. It remains to be seen whether the legislation will be passed in Parliament.

⁴ But see Anne Dickson-Waiko, 2003. 'Polygamy, social safety net or cultural anachronism? A Rejoinder' in *South Pacific Journal of Philosophy and Culture*, Vol 7 pp. 64-70.

The government report did not differentiate between customary polygamy and non-customary polygamy. Areas of PNG that did not practice polygamy have taken up this practice using 'custom' to legitimize this form of marriage. Polygamy in traditional societies is practiced by exceptional men who commanded wealth, political power, and authority.

A fundamental difference between custom and modern institutions, including the *Constitution* concerns the differences within the underlying principles. The underlying principle of custom, culture institutions, and Papua New Guinea values stem from the principle of the group, clan, family, and lineage. Western institutions, value systems, laws and ideas, human rights, and Christianity, view the individual as the core principle.⁵

Christianity shuns polygamy. Male superiority, however, ensures that the husband remains the head of the family. Modern businesses and government institutions continue to insist that the husband (man) is the head of the household. Employment benefits such as leave entitlements apply only to male workers. In cases where both spouses are employed, a married woman is often denied leave entitlements and income tax concessions. Compliance to international labour agreements and regulations might have affected a slight change. The private sector, however, continues to practice discrimination in the absence of a strong government monitoring systems. Ninety percent of the working population are unaware of their rights. In any case legal recourse is beyond the means of ordinary citizens.

What is counted as the government's efforts at addressing cultural stereotypes are the efforts of development partners. Various projects implemented within the education system addresses various aspects of gender, to achieve cultural change (*See Article 10 this Report*). The National Council of Women, with assistance from UNFPA, organized the Role Model Project, which presented stories of successful women in the community.

The level of violence against women in PNG is staggering. Estimates of domestic violence are as high as 75 percent in marriages – approximately 2 million adult women. One study found 58 percent of their sample had been victims of violence in their homes.⁶ Domestic violence is so pervasive that tragically it is described as the usual normal life experience of PNG women.

The national homicide rate in 2002 was 465 with 1295 rape cases reported.⁷

In 1993 the Papua New Guinea Medical Research Institute reported that "55% of women interviewed said they had been forced into sex against her [their] will, mostly by men known to them". Approximately 60 percent of men interviewed indicated they had participated in a gang rape at one stage or another.

⁵ Anne Dickson-Waiko, 2001. Women, Individual Human Rights, Community Rights: Tensions within the Papua New Guinea State', In Patricia Grimshaw, Katie Holmes and Marilyn Lake (eds.), *Women's Rights and Human Rights International Historical Perspectives*, New York, Palgrave. See also Peter Donigi, PNG Ambassador to the United Nations, Address to the Special General Assembly 2000 on Women, New York.

⁶ Lewis, Maruia, Walker, *Violence against women in Papua New Guinea*; Journal of Family Studies (2008).

⁷ *The Eighth United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems (2002)*

"PNG has become a country of destination for women and children from Malaysia, the Philippines, Thailand, and China and are trafficked for the purpose of commercial sexual exploitation; internal trafficking of women and children for the purposes of sexual exploitation and involuntary domestic servitude occurs as well."⁸

In addition to the more universally understood forms of violence against women, women in PNG are raped, stoned, and sometimes put to death by small numbers of men or by an entire community. Women become targets of political violence during elections. They are victims of rape and beatings in acts of retaliation from tribal wars that are sometimes centuries old.

"Two brothers were killed by a gang of young men who believed they were sorcerers. They were beaten and cut up and their bodies were thrown in the river. The young man who had killed them then turned on the brother's wives and tortured them. There has been no investigation or arrest". Senior Sergeant Patrina Dikin

"Women are reluctant to go mourn a friend because they could be accused of being a sorcerer, too." Julie Soso, President of Provincial Council of Women

The State response has been so inadequate that the work "has fallen by default to NGO's."⁹

Many customary laws support the husband's status as head of the family. His right to enforce his will on all the others. The community condones or respect a man's use of violence to control his wife. Under other customary beliefs the husband owns both his wife and children. He has the right to discipline them as his property.

"In many cases I was beaten until I fainted and the welfare and police did nothing to help." Miti Toa

Some reports indicate that 67 percent of women in prison committed family violence. Police response has been so inadequate. Many women may have been convicted of family violence without considering the self-defence reason. An insufficient investigation was conducted at the scene. No evidence to support a self-defence claim was developed.

The practice of 'bride price' and polygamy are used to support a culture of male supremacy and to justify violence against wives. Where the 'bride price' previously served as a serious commitment of marriage, it has now become a commercial event, costing so much that it may even prohibit the couple from getting married. The husband may see the Bride price paid as a commercial exchange, making him the owner and she the possessor. Polygamy may also justify the husband's belief that he is central to the relationship rather than the women involved. The source of power imbalance between two wives competing for limited resources for themselves and their children is one main factor. These issues are also described under Family Law.

⁸ Amnesty International (2006) *Papua New Guinea: Violence Against Women: Not Inevitable, Never Acceptable!*

⁹ Ibid

The traditional Big Man political system is well entrenched in the Highlands, Enga and Western Highlands (Hagen) in particular; the introduced patriarchal political system has inadvertently reinforced Big Man Politics. The Highlands area was not exposed to long periods of colonisation; it went from first contact to independence therefore many cultural practices including the big man political system remained relatively intact. Therefore what has transpired in the Highlands has been the incorporation of the modern state into the local megacycle of politics, wealth creation and exchange systems. The modern patriarchal political institutions, resources including elections have been incorporated into the traditional male dominated political and economic system,¹⁰ making it almost impossible for women to be elected into national parliament without special provisions.

Another cultural practice not mentioned by the Government Report refers to arranged marriages, customarily practiced by nearly all ethnic groups in pre-contact PNG but especially in areas where bride price was paid. This custom still practiced in many rural areas runs counter to women's individual human rights. Similarly, the custom of including women as part of compensation payment goes against women's basic human rights. The case of Miriam Willingal brought to court in 1996 was successfully defended by the Human Rights NGO, ICRAF.

The so-called "Good Woman" Stereotype should not be seen as part of traditional culture. Traditional art, folklore, theatre, and dance indicate that indigenous attitudes towards sexuality were quite open and liberal. This is confirmed by the writings and observations of early missionaries. Rather the "good woman" stereotype was introduced by the Church limiting women's sexuality and women's self-determination. The power to negotiate sex is critical to addressing the HIV and AIDS pandemic in the country. Any concerted effort by the Government to alter gender stereotypes should also be aimed at the Church because of the enormous influence of the Church in acculturation.

RECOMMENDATIONS

1. Initiatives at altering gender stereotypes are generally donor-driven. Funding for these initiatives must be taken on by the respective government departments once the project cycle comes to an end.
2. The Government must take a proactive role in designing programs that will address and promote positive cultural change. This includes working closely with media organizations, the departments of education, and the communication and community development.
3. The Office for Development of Women spearheaded this process by convening stakeholders who are in a position to influence culture change and work out a conscious strategy to address this issue.
4. The Government must take immediate action(s) to address the staggering acts of family, community, and sexualized violence against women in PNG. Relevant stakeholders must

¹⁰ Joseph Ketan, 2004. *The Name Must Not Go Down, Political Competition and State-Society Relations in Mount Hagen, Papua New Guinea*, Institute of Pacific Studies, University of the South Pacific. See also Harry Derkley, 1997, Enga Province, 1978-1998: The Transformation of the Tee. In Ron May, Tony Regan & Alison Ley (eds.), *Political Decentralization in a New State*, Bathurst, Crawford House.

convene and draw up strategies to address the issue of violence against women. The government must provide the human and financial resources to support the work of the Family and Sexual Violence Action Committee which is currently operating as an NGO and solely supported by donor funding.

ARTICLE 6: EXPLOITATION OF WOMEN

“PNG has become a country of transit point and destination for women and children from Malaysia, the Philippines, Thailand, and China who are trafficked for the purpose of commercial sexual exploitation; internal trafficking of women and children for the purposes of sexual exploitation and involuntary domestic servitude occurs as well. (Amnesty International, 2006)

There are simultaneous ongoing activities between people smuggling at the international level as opposed to women smuggling at the internal level. PNG is used as a transit point of international trafficking. Accurate data is needed to show how many women who are smuggled within or outside of PNG.

Prostitution must be seen in light of ‘exploitation of women’. Prostitution must be distinguished from the ‘sex work’. The former is illegal. The latter is able to negotiate for safe sex. Men in high positions of trust and leadership with wealth and power are exploiting young women. Foreign forestry and fisheries staff leave behind young girls with fatherless children. This is becoming a social burden for the Government.

The current LNG Project and other resource industries will only add to the existing burden. The end result is further deterioration of social safety nets.

PNG is flooded with small arms traded for drugs and the trafficking of women. The availability of firearms, significantly, increases the level of violence throughout society. Women are vulnerable to random male violence. The government has failed to act in the reduction of imports of guns of the population at the mercy of lawless, adolescent boys, and adult men intent on criminal behaviour.

Pornography

Pornography is linked to the lack of economic empowerment in which women are made more vulnerable. Data is not readily available. Women are persecuted and prosecuted more than men. Men, however, are the main perpetrators.

Incest

A huge breach of trust and young girls are violated by their very own relatives. There are no services for young girls who have nowhere to go. Government resources are needed to fund services to help women and young girls who are victimized.

Women on credit

This is an issue in relation to sexual exploitation. Women are used as objects of trade and exchange of services. This is one example of early or forced marriage by relatives of a woman.

RECOMMENDATIONS

1. PNG must sign the UNTOC Convention and Palermo Protocol (especially women and children) to stop both domestic and international trafficking. Shelters and assistance with claims for assisting trafficked women to return to their home country should be established. Wider penalties should be enacted for the full range of exploitation, including harbouring victims and inducement
2. Government must as a matter of priority legislate to outlaw polygamy
3. A law must be passed to put a stop to PNG as a transit point in trafficking
4. Government must make resources available for effective and stronger border surveillance.
5. Government must enact a law to give tougher penalties for crimes against women and children, e.g. rape, incest and child molestation.

ARTICLE 7: WOMEN IN POLITICAL AND PUBLIC LIFE

By 2012 there should be 22 women MPs for Reserved Seats in the National Parliament and a greater number of women in Provincial and Local Government Assemblies

Gross under-representation of women in political and public life is a critical issue requiring government intervention. Women have advanced into previously male dominated spheres of public life. An increasing number of women had contested elections since independence. There are still many obstacles that impede women's entry into the national parliament and the provincial and local level governments. In volatile electorates women campaign and vote in relative freedom and actively participate in civil society organizations.

The electoral system in PNG has undergone reform by changing from First-Past-the-Post System to a Proportional or Limited Preferential Voting (LPV) System. The LPV system was first tested in a constituency by-election held in 2003 and then the 2007 general election. One major consideration behind the adoption of the LPV system is to promote women's free choice in exercising their voting right. Security is an issue, especially in the most volatile areas. The Electoral Commission of PNG adopted the practice of having separate polling booths for women.

Women's Political Representation

During the transitional phase known as Self Government in 1972, a general election was held where four women candidates contested. Only one was successful. In 1977, two years after full Independence, a total of ten women candidates contested the general election, and three women won. This has remained the highest number of successful women candidates for seven successive five year Parliamentary term.

Over the years, although increasing numbers of women candidates have contested in general elections, this amounts to less than 4% of the total number of candidates contesting in eight general elections held thus far in PNG. The data shown in the State CEDAW Report is erroneous. The most accurate data is shown in the Table 1.

Table 1: Women Candidates in National Elections

Year	Total Candidates	No. of Female Candidates	Female Candidates (%)	Female MPs	Female MPs
1972*	608	4	0.66	1	1.00*
1977	879	10	1.14	3	2.75
1982	1,124	17	1.51	1	0.91
1987	1,515	18	1.25	0	0.00
1992	1,655	16	0.97	0	0.00
1997	2,372	55	2.32	2	1.83
2002	2,870	71	2.47	1	0.91
2007	2,700**	102	3.78	1	0.91
*1972=100 seats 1977 to present=109 seats					
**Aneré and Wheen, 2009 cite 2,759.					

The number of women candidates endorsed by parties has increased (see table 2) when the Organic Law on Integrity of Political Parties (OLIPPAC) came into effect. In reality, party support in terms of funding or mentoring has tended to be either nominal or very low. Hence, political parties have yet to meaningfully embrace women.



Table 2: Party Affiliation of Women Candidates

General Elections	No. Female Candidates	Party Affiliation	Independent
1977	10	1	9
1982	17	0	17
1987	18	7	11
1992	16	0	16
1997	55	12	43
2002	71	49	22
2007	102*	38*	64
*Other sources: 101 women candidates. Figures for party endorsed women and Independents also vary (42 Party: 52 Independents)			

In 1987, the National Council of Women made the first attempt to invoke Section 102 of the national *Constitution*. Section 102 of the *Constitution* allows for three nominated Members to be appointed by Parliament. Although no specific mention is made for women, the NCW and Women in Politics (WIP) made successive attempts to enable women's entry into Parliament. Women in Politics were formed in 1986. WIP took on the task of campaigning for utilizing Section 102 and introducing special quotas for female candidates in political parties.

Women worked hard to establish women's wings in parties. The most successful cases are the People's Progress Party and People's Action Party. These parties have endorsed the most number of women candidates for elections thus far.

Reserved Seats for Women

The National Executive Council (NEC- the cabinet in PNG) made a landmark decision to adopt affirmative action or Temporary Special Measure using Section 102 of the *Constitution* for appointed Members of Parliament in 2008. The Bill to effect this decision was defeated at the First Reading of Parliament in 2009. Critics of the Bill argued in support of elected women rather than appointed women. The Leaders Summit in Lae, Morobe Province in August 2009 accepted a landmark resolution to adopt 22 reserved seats for women. This was followed by the landmark NEC endorsement of the 22 seats for women in March 2010, resulting in a Bill named the Equality and Participation Bill, which provides for 22 Reserved Seats for Women in Parliament. This effectively means that 22 women, one per Province, representing each of the 22 Provinces should be elected through popular vote in the 2012 national election. Amidst strong prejudices and entrenched cultural stereotype attitudes, it is hoped the Parliament will vote in support of the Bill for it to become effective by 2012. If successful, the TSM should result in 17% women's representation in the National Parliament of PNG.

Provincial and Local Level Government (LLG)

In relation to the affirmative action measure in the *Organic Law on Provincial and Local Level Government*, not all Provincial Assemblies and Local Level Governments have consistently applied the legal provision for women. Due to lack of monitoring and evaluation, reliable statistics are unavailable to measure the impact of this legislation.

The effectiveness of these appointed women needs to be assessed. Many women face the challenges of being questioned by male colleagues as appointed rather than elected through popular elections to the elective bodies at the sub-national level. The argument is that women lack popular mandate to be genuine people's representatives. There is no data available to verify how well the legal provision has been implemented. From observation, non compliance is notable. Nepotism in the appointment of women in LLGs is a common practice, effectively overlooking proper appointment process. No detailed qualitative study was conducted to assess the impact of women's presence in the elective bodies.

In the history of the Provincial Government System in PNG, only one woman had served as the Premier or political head of a Province. With reforms to the decentralization system in 1995, no women were elected to serve as the provincial governor or political head. Only one Province has a Deputy Governor appointed in 2010. A handful of women have been elected to the local level government assemblies.

A special elective body called the Motu-Koita Assembly exists to address the interests of the traditional landowners of the Capital City of Port Moresby. Two seats out of the 16 member Assembly are reserved for women's representatives. In addition, an unprecedented gender parity measure of 50/50 appointed ward councillors has been adopted by the Governor of National Capital District since his election to office in the 2007 national election. This special measure enables one male councillor and one female councillor for the 18 Council Wards in the city authority.

Voter Awareness, Civic Education, and the Electoral Commission

In the last seven years, voter awareness and civic education in the country were undertaken, mostly, by the Electoral Commission with funding from the AusAID Electoral Support Program Phase 2 (ESP2). This effort is a joint initiative of the AusAID and the PNG Electoral Commission. Except in volatile electorates in the Highlands region, women elsewhere in PNG exercise their rights to vote in elections with relative freedom.

Women in Policy Making

Apart from the involvement of a handful of women providing technical advice in the planning of the Papua New Guinea Vision 2050, the government has failed to mainstream gender into the priorities and strategies of this long term development strategy. The same is said of the Papua New Guinea Development Strategic Plan: 2010 – 2030 and the Medium Term Development Strategy; the latter being derived from the Millennium Development Goals.

The role of women-led Civil Society Organisations and faith-based or church groups is not fully acknowledged in the State CEDAW Report.

This is the sphere of public life where women are active participants and leaders. Civil Society Organisations have also provided a training ground for women to aspire for political leadership and representation.

The Story of Ethel Sandery, a Women Leader and Advocate for Gender Equality

Civil society activism has empowered many women to enter public and political life. Ethel is a classic example. In 2008, through the initiative of Honourable Governor for the National Capital District who introduced an affirmative action for 50/50 male-female representation as councillors in each of the Districts/Wards in the National Capital District Commission, Ethel was appointed councillor. She served her first two-year term, followed by her election as the Vice President for Moresby South Local Level Government in 2010. This initiative however, needs strengthening with funding support for effective and meaningful representation.

Numerous organisations are actively working to improve the lives of women and promote their rights. Some prominent examples include the National Council of Women, Women in Politics, and all their affiliated provincial level organizations. Women in Agriculture, Women in Mining,, National Women Doctor's Association, Women in Business, Business and Professional Women's Association, Women in Logging and Forestry, Papua Hahine Social Action Forum, Faith-based or church groups such as the Jiwaka Ecumenical Women's Federation and the Young Women's Christian Association.

The PNG National Council of Women established by an Act of Parliament in 1979 is a special case in point. In the history of women's movement in PNG, the NCW has had a profound impact in terms of making women's issues visible. NCW is the voice for women in the affairs of the nation. One best practice model is the Pihi Manus Act, which empowers the Provincial Council of Women President automatic right to serve in the Provincial Assembly and the Women's Council.

On the whole, civil society organizations are the platform for women's engagement in and with the political authorities and international partners.

RECOMMENDATIONS

1. The Temporary Special Measure of Reserved Seats for women in the National Parliament must be supported by Parliament to become effective by 2012. The same principle must be applied at the Provincial and Local Level Government level.
2. To make Section 83 of the Organic Law on the Integrity of Political Parties stronger. The provision should be amended to allow for preferences 1, 2 and 3 to add up to 10% benchmark for refund to political parties that endorse women candidates.

3. A quota system should be adopted by way of amendment to the *Organic Law on the Integrity of Political Parties* for 30% female candidate endorsement by each registered party.
4. Adopt a quota system of 30% for women's representation to national government boards and statutory authorities. The same should apply for Provincial level public authorities and other public decision-making bodies.
5. The Judicial System should adopt a quota system in the village court system inclusive of customary land courts and mediation authorities.
6. Gender disaggregated data should be produced especially by the PNG Electoral Commission in relation to electoral rolls and registration of voters; including actual votes cast by men and women at the polls through conduct of exit polls.
7. Increase in funding for the National Council of Women (as per the proposed amendment to the National Council of Women Act which is in progress). This effectively means to increase government funding of K100, 000. 00 annually to a more substantive budget allocation.
8. Move the Office for Development of Women (ODW) from the Department for Community Development to the Department of PM/NEC to allow for effective gender mainstreaming in the public sector or to a separate Ministry for Women.
9. Review the Vision 2050 (or Long Term Development Plan), the Medium Term Development Strategy and the PNG Development Strategic Plan to ensure priorities for women are accounted for; and to facilitate women's involvement and mainstreaming of gender.
10. Government through the Inter-Governmental Relations Department responsible for Provincial and Local Level Government Councils must carry out capacity building for men and women councillors as well as to legislate or institutionalise a quota system throughout the Provincial Government system.

ARTICLE 8: INTERNATIONAL REPRESENTATION AND PARTICIPATION

The Appointments for international representation and participation is currently the discretion of the Head of the Government and the National Executive Council based on political patronage. The number of women appointees is very poor and due to the absence of women in decision-making processes. Professional women are not given the opportunity as male counterparts with no qualification and experience.

RECOMMENDATIONS

1. Government must make sure that International Conventions and Boards have PNG women representation.
2. Gender-sensitising training must be given to all Foreign Service officials before discharging them overseas.
3. The Office of the Speaker must make sure that gender sensitivity training is included in the induction of all new members of parliament.
4. The interests of Bougainville women should be included in all discussions by PNG with foreign governments, especially in trade and human rights agreements.

5. Women should be included in all international delegations formed to represent PNG and Bougainville, with a priority for inclusion in conferences on small arms control and trafficking of women.

ARTICLE 9: NATIONALITY

Papua New Guinea women at birth belong to a clan in an ethnic group which is the social unit that provides social protection and all other benefits associated with it. The National *Constitution* guarantees every natural Papua New Guinean born on or after independence as an automatic citizen. Since independence the Government did not account for every Papua New Guinean and persons of other nationality born in Papua New Guinea through the Civil Registration System. Since 2005, only 5% of the population had their births registered, to legally establish the Nationality.

Central to women on the issue of Nationality for Papua New Guinea women, is loss of benefits that goes with it, particularly land. Land provides social security for social owning unit. Women have equal rights to own land within the clan, but do not have controlling rights. These rights may be denied or discriminated, when a woman marries within or outside the tribe/clan and thereby comes under the responsibility of her husband. This would render them stateless (clan) and landless from her place/clan of origin because of the customary practices/norms that promotes a male family member as principle owner and controller.

The failure of the Government to register every birth and their place of origin (Province, District, Village and Clan), means it has legally failed to establish the legal identity and status of every individual as required under Civil Registration Act. Overtime, genealogical records to establish individual rights to land rights may be lost and individuals alienated. Women will be the most affected as their ability to claim mineral rights on mining, gas, oil, forestry and agriculture will be very slim.

Exercising their freedom of choice, a number of Papua New Guinea women marry or enter into relationships with persons from other countries. An increasing number of women with their children are being deserted by their foreign partners or husbands, and face the barriers in seeking legal and social support from the foreign partner or husbands. Papua New Guinea does not have country to country legal support partnership within the judiciary system with regard to locating and serving the court documents on the deserting individual.

PNG also faces the issue of refugees from Irian Jaya. Many of them have no legal proof of identity. This poses a dilemma when it comes to the birth of children born in PNG and in terms of establishing their proof of nationality.

RECOMMENDATION

1. Account for every individual in Papua New Guinea through Civil Registration
2. All customary marriages to be legalized through marriage registrations.

3. Initiate partnership with other countries on reciprocal laws to support deserted wives and children. (*Refer to the Maintenance Orders Enforcement Act 1971 empowers the Family Court of Australia to enforce the Law and similar arrangements should be made with other countries to protect the children and the wives*).
4. Dual Citizen for women to be pursued with local and international support.
5. Marriages to foreign nationals to be screened to establish the individual civil status.
6. Increase awareness on Land Groups Incorporation Act relating to the registration of clan members and inclusion of women representative in the Incorporated Land Group Management Committee. Government must make major awareness program on Incorporated Land Groups to do with the Land Group Incorporation Act and the Land Registration Act. The current law has strengthened the position of women as well as identify them as recognised landowners of the incorporated land groups. Awareness should be conducted to as many people as possible, especially those in the rural areas where the majority of the population live, to help change the attitudes of men.

ARTICLE 10: EDUCATION

PNG must ensure that every boy and girl, and men and women is given equal opportunity to receive primary and tertiary education by 2030

The 1993 Education Reforms focus on Access, Equity, and Retention. The two major problems continue to be high attrition rates and the inability of parents to meet compulsory school fees thereby affecting access. The State Report does not show the progress or lack of, the National Department of Education (NDOE) has made towards the problems of Retention and Equity.

The government began to implement measures to eliminate discrimination against women, culminating in the adoption of a Gender Equity Policy in 2004. Gender equality has had a positive influence with the inclusion of gender in the current National Plan for Education 2005-2015. Two major problems have to do with the implementation of gender initiatives as planned under the two policies. It involves developing appropriate strategies to institutionalise gender initiatives within the education sector. The Gender Equity Policy is limited to curriculum development and teacher training, not to mainstream gender per se. The Gender Equity Policy is implemented consistently right across all sectors of the education sector in primary, secondary, tertiary, technical, vocational, and distance education. The gender desk set up to implement the policy has been vacant since 2004. Thus the implementation of the gender policy is compromised to the extent that its future hangs in the balance. The UNICEF Accelerating Girls Education Project is also contributing to the advancement of girls in education.

The University of Papua New Guinea has a Gender Studies programme within the School of Humanities and Social Sciences since 1999. The School of Law, School of Business Administration and School of Natural & Physical Sciences also contribute courses towards the programme.

The government has recently (2009) recognized the emphasis placed on basic education. The country's ability to produce sufficient manpower needs to meet the demands of a changing economy is critical at this time. The economy requires a tertiary educated workforce, particularly in the technical and higher technical fields. PNG's traditional agricultural-based economy has given way to one of resource extraction and exploitation, of fisheries, forestry, mining, and petroleum, and gas industries. The department must ensure that the gender equity policy is affected in technical and vocation education so that gender disparities do not persist in these non-traditional fields for women.

The result of a Literacy Survey conducted by ASBAE (Asian South Pacific Bureau of Adult Education) through its PNG partner, PEAN (PNG's Education Advocacy Network) indicates that PNG faces a literacy crisis. The low literacy rates in the community (dramatically lower than officially reported rates) low literacy rates for those who have completed school, and low school participation rates for 15-19 year olds indicate that the country is stuck with a literacy crisis.¹¹

The role of non-government organizations is critical. Government resources should be channelled into Second Chance Learning. The teaching profession is dominated by women, but the senior management positions of the Education Department remain male dominated.

Until 2009 vocational and technical colleges for women concentrated in traditional women's vocations in secretarial, nursing, and teaching. A handful of women have broken into the male dominated fields of aviation, merchant shipping, engineering, the military, and telecommunication.

The Gender Equity Policy in Education and a number of AusAID funded projects have made progress towards the development of gender inclusive curriculum for schools and in teachers' colleges. These include Curriculum Reform and Implementation Project 2002-2004, Primary and Secondary Teacher Education Support, Curriculum Reform and Implementation Project 2000-2002, Basic Education Development Project (2004-2010) continuing and the Education Capacity Building Project 2005-2014.

Overseas and in-country scholarships are awarded on a 50/50 basis to females and males. The places at state universities are awarded on a 50/50 basis. This has contributed to an increase in female students studying various degrees at the state universities.

The State Report does not mention cases of bullying and harassment of female students on school playing fields. Schools also tend to give a higher priority to boys' sports than girls by purchasing sporting equipment for male sports than those of female students. Male students dominate the use of sporting equipment and musical instruments.

Females have access to all special awareness programmes undertaken by schools on sex education, HIV and AIDS information as provided by the HIV and AIDS Education Policy, population and legal

¹¹ ASBAE & PEAN, 2007. Education Experience Survey, Education, Language & Literacy Experience in Papua New Guinea, Summary Report.

studies. The National Council of Women coordinated a Role Model Project with assistance from UNFPA in most provinces addressed gender stereotypes and cultural aspects of gender inequality. A number of donor funded programmes particularly those being implemented by international NGOs address HIV and AIDS in conjunction with skills training.

RECOMMENDATIONS

1. The Government must build one general technical school in each of the four regions of Papua New Guinea. The Government must consider building a second higher technical college or institute. Each province, depending on population, build a minimum of two vocational training centres or colleges (one of which to be rural-based) offering subjects appropriate to the requirements of the province; and that interns be allowed to take up technical studies as well as upgrading their education either through distance mode or face to face teaching to grade 10 or grade 12. This provides access and opportunity for students who did not get selected for tertiary studies.
2. The National Department of Education (NDOE) review the Gender Equity Policy with a view to expanding the policy to cover gender mainstreaming within the sector, including Equal Opportunity for staff and senior management of the sector. NDOE must strengthen the gender desk as separate from Human Resource with funding and staff trained in gender mainstreaming skills.
3. The Department carries out a national literacy survey to determine the extent of the literacy crisis in the country and to develop appropriate strategies to arrest the situation.
4. The Department identifies NGOs and Faith-Based Organizations that work on education issues to strengthen working partnership, including regular meetings with the department.
5. The Department must assume greater control over donor funded initiatives with respect to what projects are to be implemented, how long, capacity building and what happens beyond the life of the project.

ARTICLE 11: EMPLOYMENT

By 2030 the Government must ensure that more women are employed in managerial and technical areas of formal employment.

Employment terms and conditions are covered and protected under the Employment Act, Employment of Non Citizenship Act 2000. Since ratification of CEDAW Act in 1995, relevant labour laws have not been amended to harmonize with CEDAW and related anti discrimination laws. This report agrees with the state report that aspects of the Employment Act and Employment of Non-Citizen Act, which discriminates against women and do not comply with CEDAW. The existing pieces of legislation are outdated, and not responsive to the changing needs of employees and work place environment. Institutional capacity gaps provide weak administration of employment system and protective environment for women. Ineffective monitoring and enforcement mechanism contribute

to discriminatory practices in work places particularly in the small to medium retail industries, entertainment industry, and rural industries particularly for women. Weak monitoring indicates the lack of data on labour force participation by profession, vocation/occupation, rate and sector.

Economic Participation

Forty eight percent of the country's population are women, with 5.3% employed in wage job compared to 15.2% for men. In the rural sector, employment for women is high at 77.5% and concentrated in the subsistence economy (household consumption). Direct participation in cash economy is marginal. Those in disadvantaged and isolated rural communities without access to social and economic services do not participate in the cash economy. Significant gaps exist in the proportion of women in wage job and managerial ranks. Potential and capacity of women to enter male-dominated vocations is limited by social and cultural gender stereo type norms and assumptions. Recruitment practices tend to overlook the recruitment guidelines. In practice the Government tends to favour men over women on appointment as Departmental Heads, Chief Executive Officers, or Board of Directors in statutory organizations.

In the rural industry (Plantations), Forestry (Timber processing), Fisheries (Fish procession), women are the preferred source of labour because of their reliability and consistency in productivity. Women face issues of workplace discrimination and sexual harassment. Many cases are unreported because many of the women are illiterate.

Opportunities for women to participate are available, but incentives are not provided in the form of quota for women to undergo technical training in male dominated fields.

The State does not have specific policies that harmonize with CEDAW on employment for women. Gender, although considered a cross cutting issue, is not given the required prominence. Employment issues for women are promoted through gender mainstreaming. In absence, however, of a specific Public Gender Policy and misguided gender perceptions amongst male, equal employment opportunities are overlooked and undermined.

Working days and hours in the public and private sector vary from 5 – 7 days with 8 -9 hours per day. In some cases women in the security, manufacturing, entertainment, and rural industries work for long hours. Women who are engaged in shift work do not have adequate protection and healthy work environments. The working days and hours do not account for women's primary contributions to the economy, particularly subsistence employment and home duties. Rural and illiterate women are engaged in sub contract work in the plantation sector during peak crop production periods. These women work for long hours and experience abuse, discrimination, and are usually under paid.

House maids are mostly engaged by persons working at executive levels, business persons, and paid regular wages. Another group of domestic helpers commonly known as 'Baby sitters' are employed particularly by working class, but paid less than the minimum standard wages. Another group is made up of relative engaged by family members. The last category is most vulnerable to exploitation, abuse, and discrimination. Domestic helpers engaged by family members work unlimited hours, with limited freedom, who are exploited, abused, and paid in kind. In general,

domestic helpers do not have regulated working hours or other employment benefits enjoyed by other workers in the formal sector.

Number of foreign women workers has increased and most of them are employed in areas reserved for nationals. Foreigners must have legitimate work permit and such permit will be issued only if the position cannot be filled by Papua New Guineans. Sadly this is not the case as more foreign women are filling in positions which are supposed to be filled by nationals.

Women in Networking

Most formal sector enterprises and institutions are unionised: the Nursing Sisters Association, Teachers Association, Police Association, PNG Trade Union Congress, Telecommunication Workers Union, Maritime Workers Union, Public Employee Associations, National Medical Doctors Association, National Academic Staff Association, and Amalgamated Worker Union. Amalgamated Workers Union covers workers in the lower scale of employment. Although many women employees are members of unions, most times their views are not represented. One common factor is that women are not equally represented in decision making.

RECOMMENDATIONS

1. Government must introduce standard law and rules for the protection of women employees in the private sector
2. Trade unions should actively support women against discrimination in the workplace and should support the provision of technical training employment opportunities in male-dominated trades.
3. Department of Labour and Employment must review and strengthen enforcement and compliance mechanisms to protect women from wrongful termination in employment, including breast feeding, paternal and maternity leave in both the public and private sector
4. Department of Labour and Employment must carry out a Situational Analysis of employment conditions, benefits, and working hours for women in all sectors and make recommendations for improvement.
5. Women in Disciplinary Forces must receive equal pay as men.
6. Government must protect young vulnerable women and girls from exploitation as casual employees in foreign-owned small to medium entertainment, manufacturing, fast food and retail industries.
7. Government must incorporate principles of gender equity into the Employment Act, Public Service General Orders and the Common Rules.
8. Government must enact a Whistleblower legislation immediately.

ARTICLE 12: HEALTH

The Government must have political will to reduce the high rate of maternal and child mortality and improve access to affordable health services

This Report agrees with the Government Report that there is ‘overall deteriorating health status’ in PNG. The Government’s Vision 2050 document says that “health outcomes have lagged far behind.

The Government Report states that ‘overall deteriorating health status’ is true. The Government must make positive interventions to arrest this arresting situation. Diseases such as HIV and AIDS, maternal and infant mortality, including the reproductive health of women are preventable diseases. Due to lack of basic health services in rural and peri-urban areas, women and children are most affected.

RECOMMENDATIONS

1. Government must address the Reproductive and Sexual Health issues for women and adolescence, especially on breast and cervical cancer, HIV and AIDS, and fund women and baby’s clinics.
2. Revive and resource the mobile clinics on maternal and infant health
3. Mental health services must be provided in all provinces with professional staffing, clinics, and accommodation.
4. Government must address the population growth rate.
5. A national study should be undertaken to determine the gaps of service delivery and the special needs of women in the PNG health care system, with particular focus on issues related to women’s life expectancy and care for elderly and the disabled.
6. Government must continue to fund the Community Health Workers, Nursing Aids, and Village Birth Attendants.
7. Government must support and strengthen the facility support programme by the Provincial Health Authority and *coordinate donor-funds channelled through the Government systems.*

ARTICLE 13: ECONOMIC AND SOCIAL LIFE

Women in one community were so frustrated with the failure of the local bank to provide credit opportunities to women that a group of them stood outside the bank holding up their passbooks and demanding a change in the bank’s lending practice.

The National Goals and Directive Principles of the national Constitution of Papua New Guinea calls for “every effort to be made to achieve an equitable distribution of incomes and other benefits of

development among individuals and throughout the various parts of the country". In reality very minimal economic incentives reach the rural women who need the assistance to improve their quality of life.

Access to credit

Banking policies discriminate against women. Husband's approval is sought before credit facilities are provided to them. Government needs to legislate on this and compel the banks to allow women the right to obtain credit or loans with and without the male consent. The Government is silent on this. Banks continue to discriminate against women, especially in the small economic enterprises and the micro businesses run by single women.

It is often impossible for women to even open a bank account. Banks routinely require individual identification, which few women are able to obtain in their own names. Government practices limit the options for women to obtain their own identification. Consideration should be given to developing alternatives to the government processes for issuing identification such as using local churches to verify their identity. The National Council of Women or the Provincial Council of Women could also be authorised by the government to issue valid identification papers. Local women members can vouch for each other.

Another problem that prevents the full participation of women in this sector is security. Carrying cash to the banks is a risky business. Banking services should be provided to the communities to enable women to deposit their cash within the safe confines of their community through the services of extensions services to the communities.

Women in business

The first PNG Women in Business Expo was held in February 2010. Current and potential women business owners need to come together to network, exchange information, and unite to seek technical assistance. Women who attended the Expo remain in contact with each other to support each other's businesses and to provide informal mentoring for business strategies.

The Expo revealed the need for women to access training in business management and finances as well as having more international exposure as international traders. Many of those attended were local micro entrepreneurs. They showcased their locally made products. The Government needs to concentrate in promoting women in medium and large scale businesses. Providing better financial incentives and training is important for women to do better in business opportunities with the right skills and resources.

Control over commercial and land interests

Introduced business culture has contributed to exploitation and alienation of land. Violence amongst landowners including women is a direct result of this problem. Women have been marginalized through such practices. As a result they are denied the right to participate and benefit meaningfully from the development of these resources.

Recommendations for improving the transportation sector should be implemented. Women's safety in public transport and to achieve low cost and affordable transportation throughout the nation should be the goal.

An estimated 97 percent of all land is held under the customary system of community ownership. The Land Registration (Amendment) Act now allows registration of customary communal land rights, but does not recognise ownership rights of individuals. Many women often have only land-use rights, but not land ownership rights. As a result women are excluded from claims to control the disposition of the land and to negotiate with foreign investors. The rapid incursion of foreign investment along with land and mineral development reduce women's financial stability and power. Men negotiated land rights everywhere without women's knowledge. Women have no ability to either halt the process or suggest adjustments to land rights negotiations.

Women have to stand up and be forceful simply to maintain the ownership of their properties. Even under the matrilineal system of inheritance, husbands die without leaving land to their wives. Mixed marriages among different tribes render women landless. Government effort is needed to actively protect their land interests.

"A woman who worked hard to develop a small successful business was forced out of her family land by abusive relatives whom she had refused to help after they repeatedly borrowed without repaying. She was unable to fight for her rights because as a female she did not 'own' the family/clan land. She was unable to start another business and her children have stopped going to school as a result. (Dorothy Tekwie, SANDAUN Province)

The critical mass of 30% representations on all commodity boards and statutory boards need urgent action by the Government to appoint women on the National Forestry, Air Niugini, Fisheries, Agriculture and Housing. Women's voices need to be heard in board rooms to raise the profile and the plight of the women across this nation.

International investment

The Liquefied Natural Gas (LNG) project will have the most significant impact on the PNG economy. The project will mean a rapid increase in employment and training of its workforce to ensure the sustainability of its operations. This report calls for the Government to ensure that the package of training and recruitment includes 50% of women citizens. A base line study is needed as the basis for the government to determine the impact of such a project on the PNG economy and society.

There has been little planning to manage the effect of this investment to ensure that women participate in the benefits equally with men. Women must be included at all levels of decision-making in the allocation of resorts concerns, employment practices, transportation, all other aspects of this project, and all legal requirements for resource management.

Although, amongst others, a Future Generation Fund has been established as part of the LNG project it is not widely known who manages the fund and develops the regulations and directions for use

and funding priorities. Apparently the initial funding has been spent with little accounting for its disposition.

These and other development projects are inadequate and compromise their quality and outcomes. They do not include women at all levels of decision making in government and private development planning.

RECOMMENDATIONS

1. All laws affecting business and credit must be reviewed and mechanisms must be established to empower women to be able to go into business and improve the likelihood of success, and with a view to increasing job opportunities.
2. The Government must provide more funding for the Women's Small Business Administration, at least K4m per year. The Women's Small Business Administration should be funded to create programmes improving women's ability to become involved in business ventures and skills training. The focus of the Administration should be economic empowerment for women and awareness of their rights.
3. A review of the Informal Sector Business that would benefit women small business owners, especially those in the informal workplace. For example, an exemption from filing tax returns for small businesses would eliminate the fears and concerns of women when planning to start a business.
4. Financial budgeting and legal rights in relation to property rights should be part of the curriculum training in schools and adult literacy programmes. Women do not usually understand their property rights, including the fact that they are entitled to half of their husband's property. Training programmes should be established in all schools to help women have the skills and confidence to challenge injustices when necessary.
5. The Land Groups Incorporation Act must be reviewed to ensure full gender participation and especially to enforce equal participation on the executive boards and the Land Group Committees.
6. Laws, such as the Land Group Incorporation Act and the Oil and Gas Act 1998, require social mapping and landowner identification studies to be conducted before a permit for exploration can be undertaken. Local women and women's organisations should be formally involved in both of these activities before resource consent is granted.

ARTICLE 14: RURAL WOMEN

This report acknowledges that 80% of PNG's population live in rural areas. Women play a major role in the subsistence economy where basic services are limited or non-existent.

The Government's major objective in agriculture since 2005 is to create the enabling environment for the rural people to access markets for their produce. Women still find it difficult, however, to

access markets and credit incentives. In the rural areas, women are more vulnerable to diseases such as HIV/AIDS, malaria, malnutrition, and poverty. They also lack income earning opportunities.

The Government must critically improve this area if it wants to improve the livelihoods of women and families in the rural areas.

RECOMMENDATIONS

1. The Department of Agriculture and Livestock must continue to fund the gender desk (Women in Agriculture Development Unit) to implement the policy guidelines established by the Government.
2. The Government must provide incentives to support organizations such as Women in Agriculture, Women in Mining, and Women in Business to participate meaningfully in the development process.
3. The Government must fund an independent Gender Impact Study in relation to the PNG LNG project to develop programmes that are beneficial to women in the project areas and PNG.
4. The Government must provide micro-credit schemes to enable rural women and the urban poor to participate actively in the economy.
5. The Government must seriously deal with the recommendations of the Labour and Community Development Department's reports (2004) on forestry and logging in PNG. The Government must deal with foreign logging companies responsible for abuse of PNG women ("Serious allegations of sexual abuse involving officials from logging companies are talked about in the communities where logging is conducted, but claims are difficult to verify, as women are usually reluctant to report and discuss sexual abuse for fear of being ostracised by their communities"¹²)
6. The Government must give priority to the implementation of the Women in Mining National Action Plan.
7. The Government must appoint Women on Provincial Land and Forest Boards to ensure that women and children's interest are protected and catered for.
8. In the implementation of the Vision 2050, the Government must make funding available to engage women and women organizations in climate change mitigation and adaptation, including relocation of those affected by sea level rise and food security.
9. The Government must provide funding to Provincial Councils of Women (PCWs) and women organizations in rural areas to protect land interests and to improve infrastructure and government services such as health and education, including training.

¹² Australian Conservation Foundation and ICRAF, 2006. *Bulldozing Progress: Human Rights Abuses and Corruption in PNG's Large Scale Logging Industry*, Australia Conservation Foundation and Centre for Environment Law and Community Rights.

ARTICLE 15: EQUALITY BEFORE THE LAW AND IN CIVIL MATTERS

The majority of people live in extreme isolation. The government has failed to address the issues arising from geographic isolation and lack of infrastructure, including roads, safe water, and electricity. Women's lives in rural areas are occupied with the basic needs of life and little opportunities remain for education and leadership development.

With growing western development and expansion into rural areas, women's customary place in traditional rural society is being severely undermined. Women's assertions of land ownership and rights of control rely on unwritten family oral histories. Women are often without the legal proof to support their ownership when confronted with negotiations for right of use by international developers.

Women are unable to provide legal title of land even though they may use the land for agriculture and as a home. With the death of their husbands or his decision to sell or lease the land they are usually not consulted. A woman may live on the land all her life, but she may be forced to leave, even if the land belongs to her family for generations.

Up until now women support themselves and contribute to the family maintenance with cash income through small farming. Women are rapidly losing the ability to farm their lands as men seize on opportunities to assert a claim based on legal documents or written agreements, or forcefully take over the lands.

In most cases in rural areas the income from cash crops, land leases, mining, and logging are controlled entirely by men. In recent time some women took out legal challenges to assert their claims on their lands. The National courts instituted juridical interventions in some of these claims.

By taking the land claim to the District Court, the overall result has been that I, as a woman, have become the rightful owner and traditional owner of the disputed piece of land. - Louise Aitsi

High illiteracy rates, limited health services, growing numbers of cases of HIV and AIDS, and restricted access to reproductive health services are all at the critical level in rural areas. In most rural areas the government has failed to provide barely adequate roads and airports. Many rural people have limited access to electricity.

The effects of climate change are experienced most acutely by those living in rural areas. Increasing occurrences of drought, flooding, land erosion, landslides, loss of access to fishing areas, and the disappearance of coastal land as the sea levels rise are major concerns to many people in rural communities. Climate change has affected women's ability to carry out even minimal levels of agriculture or fishing, and forcing the relocation of families to other rural spaces. A growing number of people living in settlements in the urban areas are a consequence of the forced relocation of people.

Women are denied fishing rights because the quality of their application is considered sub-standard. Women do not have the necessary technical skills to fill such applications. Men are on the screening committees and refuse to approve women's applications either because the forms are not satisfactory or because male applicants are preferred.

Women are able to assert their right of control over their land and to produce a surplus to sell as a cash crop. The crops, however, need to be taken to markets located away from their villages. The markets are usually open areas, with minimal protection from the sun, with no toilets or showers. The trip to the market may take several days walk away from the women's homes. This may require women to stay overnight. Poor child-care and no protection from thieves are encountered in these trips.

Without good roads, ports, and airports, women have no access to outside markets to sell their crops to improve their standard of living. Without electricity they have no means to communicate with urban centres, foreign markets, or even network with other aspiring farm owners or other women in business.

RECOMMENDATIONS

1. The Government must redirect resources to help improve basic services in rural areas, including reproductive health establish a mechanism to improve the standard of living in rural areas as well as preserving the rural way of life.
2. Specific education programmes should be developed for delivery in rural areas as well as making trades education available to help women improve their standard of living.
3. Rural women should be encouraged to organise into local groups to protect land interests and to demand improved infrastructure and government services such as health and education. Groups should be provided with training in how to assert their legal claims and work with the government to achieve improvements in their villages.
4. The Government must establish an agency to review claims of land lost to climate change and consider the possibility of reparation for the lost land.
5. Special services should be provided to women living in settlements to increase their safety, access to health services, and basic living conditions to prevent disease
6. Existing organisations promoting women's rights, such as Women in Markets, should be supported.
7. The Government should provide technical support for women and women's groups to help with their applications for fishing rights and other business opportunities.
8. The Government should require all statutory agencies reviewing business applications and fishing rights permits to be an equal number of women and men reviewing the applications.
9. The Parliament must enact the recommendations of the Constitutional and Law Reform Commission Report (1992) to improve government response to violence against women.

ARTICLE 16: MARRIAGE AND FAMILY LAW

PNG has sufficient laws to protect women in marriages. Compliance of these laws, however, is a major problem. Domestic violence is not considered an indictable offence.

Women face enormous challenges and are more vulnerable in the contemporary contexts as a result of the breakdown of traditional social safety nets. Female heads of household encounter tremendous pressures in family responsibilities and are subjected to emotional and financial insecurities.

Increasing numbers of teen marriages hinder the right of girls to education and personal development. The quality of family life is compromised for a lower standard. The increasing trends of commercialised bride price make women become commodities rather than human beings. Melanesian family values are distorted in this process.

"In many cases I was beaten until I fainted and the welfare and police did nothing to help." Miti Toa

The practice of 'bride price' and polygamy are used to support a culture of male supremacy and to justify violence against women. Where the 'bride price' previously served as a serious commitment of marriage, it is now a commercial event, costing so much that it may even prevent a couple from getting married. The husband may see bride price as a commercial exchange making him the owner of a prized possession. Polygamy may also justify a husband's belief that he is central to the relationship rather than the women involved. This is also the source of power imbalance between wives competing for limited resources for themselves and their children.

RECOMMENDATIONS

1. Government must review the Lukautim Pikinini Act to increase the marriageable age to 18 years for women and 20 years for men.
2. All customary marriages must be registered.
3. Government must give support to women who are heads of households through subsidized housing and childcare for working families.



Women cooking food in the earthen oven

PART B: AUTONOMOUS REGION OF BOUGAINVILLE

PART 1: BACKGROUND

THE LAND AND THE PEOPLE

Bougainvilleans generally consider themselves different to other Papua New Guineans, and this was reflected in the recent-past conflict on the island. The result of which is the attainment of the autonomous status and a planned referendum towards a possible secession in 2017.

Ownership and rights over land is inherited through women through the matrilineal clan system in most of Bougainville. Men, however, continue to have control over the use of the land.

Women in Bougainville experience many of the same issues challenging women in Papua New Guinea. They are, however, burdened with additional problems, in particular, the effects of the conflict with PNG and of climate change and environmental damage. Bougainville gained autonomy in 2001. It has a very small population but with great resources available for potential development. The Autonomous Region of Bougainville is not yet economically self-sufficient. It still bears the scars of appalling violence during the 10 years of conflict with the PNG government.

THE CONFLICT

The 10 years of crisis from 1989 until 1997 took a devastating toll on women until the peace process began in 1997 leading to the signing of the Bougainville Peace Agreement between Bougainville and the Government of Papua New Guinea. The Island has a huge potential with abundant resources in a predominantly matrilineal society. Women have all the opportunity to make headway in all aspects of gender equality.

In what has been described as “the bloodiest violent conflict in the South Pacific since the end of the Second World War” the conflict with PNG, and its aftermath, fell especially hard on women. The

effects of that violence continue today. The conflict was a devastating set back to economic development and the social advancement of women.

The women of Bougainville played a major role in all initiatives for the peace process between Bougainville leaders and PNG bring an end to the conflict. Women took a leading role in calling cease fire declaration that resulted in the deployment of peace keeping forces as well as cease fire monitors and the peace monitoring groups.

As an Autonomous Region with a fully fledged elected House of Representatives and its own Executive under an elected President, women in Bougainville are in a position to influence the Autonomous Bougainville Government to enact legislation and design policies to eliminate violence and other forms of discrimination against women.

A number of women's groups are active, notably Leitana Nehan Association, Bougainville Council of Women, and other community and church based women's groups. Funding remains a challenge. The autonomous government is dependent largely on the National Government for almost all of its budgetary support for developmental programmes.

Although women were agents for peace and reconciliation, they are left on the periphery when it comes to any significant involvement in the formal decision making processes since the autonomous elections in 2005.

Immunity from prosecution and amnesty legislation negotiated with the national government took very little account of the pleas from women who were victims of the conflict. Many of the women still suffer from the mental, psychological, and physical injuries from the armed conflict. The immunity and amnesty provisions cater for and mostly benefits all former armed combatants in Bougainville and the armed forces of PNG, the major protagonists of abuse and violence against the women population on Bougainville. Women still encounter men who had abused and raped them during the conflict. Despite the efforts in attaining autonomy, women find little recourse to bring offenders to justice for human rights abuses during the conflict.

Women deserve a rightful place and dignity as active agents and participants for peace. This can be achieved through equal opportunity and participation in the decision-making process in all spheres of development in Bougainville.

A large proportion of Bougainvilleans live on the outer atolls and along the coastal areas of the Island. Those living on the outer atolls are facing increasing threats of rising sea level and issues of food security and displacement.

The people of Carteret Islands have begun the process of relocation to the mainland Bougainville. Women who are traditional landowners of these islands are facing enormous emotional challenges, social insecurity, loss of traditional livelihood, and uncertainties about their future, resulting from resettlement. In addition, security concerns are reasons why many women and their families are reluctant to leave their traditional homes on the island.

ARTICLE 1: DEFINITION OF DISCRIMINATION

The Constitution of Bougainville, like the Constitution of PNG recognizes the role of custom and tradition. It provides for a legal recognition of customary law within the structure of the Constitution. In recognizing the role of tradition within society the Constitution does not clarify the reconciliation process in instances when tradition allowed under the Constitution is used to limit the rights of women. It does not clarify whether women's human rights must prevail.

The Bougainville Constitution also does not set out a definition of sex discrimination. It does not make reference specifically to CEDAW or other international treaty obligations on the rights of women. The PNG definition also applies to Bougainville.

RECOMMENDATIONS

1. The Constitution must be reviewed to include women's human rights where these rights are limited or compromised by custom or traditional law.
2. A legislative structure must be established to provide a means of enforcement of women's rights under the Constitution.
3. A clear and unequivocal definition of discrimination should be adopted consistent with CEDAW and enacted in all appropriate laws.

ARTICLE 2: OBLIGATIONS TO ELIMINATE DISCRIMINATION

The Bougainville Constitution provides for a minimum of three seats for women representing the three political and administrative regions of Bougainville. The ABG needs to do more to enforce its laws and policies for equal opportunities for women in all key areas of decision making processes.

RECOMMENDATIONS

The Autonomous Bougainville Government must:

1. Condemn discrimination in all forms against women and take practical action to prevent repetition of all forms of discriminatory practices and abuse against women in the cause of the conflict.
2. Enact appropriate legislation immediately to give effect to protection and security for women who still remain vulnerable in their communities after the conflict.
3. Adopt robust education and awareness programs under the auspices of the government with churches, Council of Elders and women's groups across communities and schools.
4. Take immediate steps and create high level advisory positions in the appropriate department or agency to monitor, publicise, and disseminate information, including regular or occasional reports to the House of Representatives as part of giving realization to this article.

5. Take immediate steps and create high level advisor position in the appropriate department or agency to monitor, publicise, and disseminate information, including regular or occasional reports to the House of Representatives as part of giving realization to this article.
6. Repeal any provisions in law or bar customary practices that constitute discrimination against women.
7. Review the Constitution to give effect in law the principles of gender equality as well as protection for women having regard to the experiences during the conflict.

ARTICLE 3: THE DEVELOPMENT AND ADVANCEMENT OF WOMEN

The Division charged with responsibility for women's development and women's rights suffers from lack of capacity and resources. It does not have at the authority to enforce compliance of policies to promote the rights of women and the government's obligations under CEDAW.

Despite these limitations the division and office has facilitated and provided training to women's group and promoted network groups. These helped become women more aware and alert to the rights and freedoms of women for their advancement in particular. The division has supported the expansion of council of women groups at local level. These groups are now pressuring the government keep the local communities informed about developments affecting women.

RECOMMENDATIONS

1. The Autonomous Bougainville Government and the Council of Elders must acknowledge and recognize the role of women that compliment and support importance gender authority that is prevalent in Bougainville society.
2. To this end the political leadership of the ABG must act in all fields, in particular political, social, economic, and cultural fields.
3. Appropriate measures must take place, including enacting legislations to ensure full development and advancement of women, .for the purpose of guaranteeing the exercise and enjoyment of human rights and fundamental freedom on the basis of fairness and equality with men.

ARTICLE 4: ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN (AFFIRMATIVE ACTION)

The Constitution currently reserves three seats in the Parliament for women. No women have been elected in seats contested against men. This number should be increased to ensure that more women are represented in the government.

There is no special legislation requiring a minimum number of women on boards, trusts and local decision-making authorities. No employment laws have been established for preferential placements or quotas for women in jobs and job training. Universities are not required to reserve a minimum number of entry positions for women.

RECOMMENDATIONS

1. The Autonomous Bougainville Government and COEs must take measures to provide equal opportunities, fairness, and equality in all aspects of employment and decision-making that discriminates against women.
2. Adopt similar provisions with PNG on *de-facto* equality between men and women.
3. Adopt measures, including those contained in the present convention, aimed at protecting maternity as not being discriminatory.

ARTICLE 5: SEX ROLES AND STEREOTYPING

Bougainville women are predisposed to the same sex roles and stereotyping similar to the situation of women throughout other parts of PNG. Although, largely a matrilineal society, women still suffer the consequences of male dominated society.

RECOMMENDATIONS

1. The Autonomous Bougainville Government and COEs must take appropriate measures together with community participants to modify the social and cultural patterns of conduct of men and women, with a view to eliminating prejudices, customary, and other practices based on the idea of inferiority or superiority of either of the sexes or on stereotyped roles for men and women;
2. The Autonomous Bougainville Government and the COEs must ensure that family education and communal awareness includes proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, understanding that the interest of children is the primordial consideration in all cases.

ARTICLE 6: TRAFFICKING AND EXPLOITATION

A weak domestic law enforcement environment and fundamental weaknesses in governance lend itself to potential dangers of the traffic in women and exploitation and prostitution of women. Women in this regard are far more vulnerable, than in the rest of the country, without adequate law enforcement on the Island.

RECOMMENDATIONS

1. The ABG must take all appropriate measures, including legislation to dissuade and eliminate all forms of trafficking and exploitation of women.
2. The ABG must cooperate and work in conjunction with the national government in policing and surveillance efforts in this area.

ARTICLE 7: POLITICAL LIFE

The Bougainville Constitution provides for a minimum of three seats for women representing the three administrative and political regions of Bougainville. This number may be increased in the future through a review of the relevant provisions in the Constitution. At the time women's representation was discussed in the Bougainville Constitutional Commission and before its adoption by the Constituent Assembly women had sought up to ten reserved seats for women. Women continue to poll poorly in same single constituency seats contested with men. There is strong justification to seek increase through more reserved seats in the House of Representatives. This goes for representation at community level where the COEs are male dominated when presiding and making decisions on matters that affect women.

RECOMMENDATIONS

Additional measures to protect and improve the democratic processes insofar as it concerns women, and to this end, it is strongly recommended that the Autonomous Bougainville Government and COEs must:

1. Appropriate support and resources are provided to enhance the role of women members in the three reserved women's seats in the House of Representatives.
2. As much as possible eliminate bias in the electoral process during campaigning and polling where women candidates are also vying for the same seats with male candidates at all elections.
3. Make appointments to public offices, formulation of public policies and their implementation at all levels must be done with the participation of and in consultation with women leaders.
4. Participate with non-governmental organizations and associations concerned with political life on the Island and must include women.

ARTICLE 8: INTERNATIONAL REPRESENTATION AND PARTICIPATION

The National government has retained the powers and responsibilities over international affairs, including international representation on behalf of Bougainville. Notwithstanding this, there is a need to have Bougainville representation at the state level in this area. Women's representation is imperative given the disparity and imbalance that exists in promoting CEDAW and other international treaties to improve and promote the rights of women.

RECOMMENDATION

1. The ABG together with the national government must include women participants in delegations at international forums, especially on matters critical to women's role in governance, peace and reconciliation.

2. Women must be represented in all international meetings on small arms control to contribute towards policies from lessons learnt as a victimized group during the armed conflict.

ARTICLE 9: NATIONALITY

Under the prevailing constitutional arrangements Bougainvilleans remain nationals of PNG. Bougainville citizenship is defined in the Bougainville Constitution. In an extended family and a predominantly matrilineal society clan inheritance through women must be addressed as or where women may marry foreign nationals.

RECOMMENDATIONS

The Autonomous Bougainville Government must take note of aspects of nationality as it affects women in the country and must adhere to the recommendations by PNG in Part A of this Report.

ARTICLE 10: EDUCATION

Education for girls has not been a priority with families preferring to use their limited resources for education of boys over girls. This has reduced educational opportunities for girls during and following the ten-year crisis, from primary to secondary to tertiary education.

Sexual harassment at schools after the conflict is considered by many families as risks that discourage girls attending or advancing to further their education. Intake on female students into universities is affected as a consequence of this.

RECOMMENDATIONS

ABG must take all appropriate measures to eliminate discrimination against women in order to ensure equal rights with men in all fields of education and in particular to ensure the equality of men and women in all areas of life:

1. The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments; this equality must be ensured in pre-school, general, technical, professional, and higher technical education, as well as in all types of vocational training.
2. Access to the same curriculum, the same examinations, teaching staff with qualifications of the same standard, school premises, and equipment of the same quality.
3. The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education that will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods.

4. Scholarships and other study programs must be offered on equal basis to men and women to eliminate the imbalance in this area.
5. The same opportunities for access to programmes of continuing education, adult and functional literacy programmes, particularly those aimed at reducing at the earliest possible time, any gap in education existing between men and women.
6. The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely.
7. Enhance opportunities to participate actively in sports and physical education as men.
8. Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

ARTICLE 11: EMPLOYMENT

Women are not employed in the formal employment sector in sufficient numbers to enable them to make a significant contribution to improving the economy. This under-employment of women hinders the economic viability of the region and is slowing the recovery from the crisis.

Women are largely excluded from gaining skills necessary for employment. They are not provided the same opportunities for admission to trade schools or other formal learning opportunities. Men are routinely hired in preference to equally qualified women. Women are vulnerable at the work place to many forms of sexual harassment.

Women denied viable employment opportunities are at the mercy of male decision makers and gatekeepers. Without equal opportunities to employment and financial independence women are forced to carry on traditional roles at home often at the control and mercy of a violent husband.

RECOMMENDATIONS

ABG must take all appropriate measures similar with the State Parties in fulfilling this article, with reference to:

1. The right to work as an inalienable right of all human beings.
2. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.
3. The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
4. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.
5. The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity, old age, and other incapacity to work, as well as the right to paid leave.
6. The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

ARTICLE 12: HEALTH

Health facilities and services range from very poor to non-existent in the rural areas. ABG has failed to provide adequate health care in all centres as needs exceed services available with increase in population. Women suffer the most in these conditions, especially in mental, maternal in reproductive health. There are no reproductive health facilities in Bougainville.

HIV and AIDS cases are increasing in both urban and in rural areas. Businessmen returning home after their travels abroad bring back the disease. Some support services exist, but they need to be strengthened and the population made aware of the dangers and ravages of AIDS.

Existing prejudices continue to prevent victims of rape coming forward to seek medical attention and proper counselling. Abortion is illegal and no exception is provided for rape victims or to save the life of the mother.

RECOMMENDATIONS

1. ABG and COEs must take all appropriate measure to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, ABG through relevant authorities must ensure provision of appropriate services to women in connection with pregnancy, confinement, and the post-natal period; granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.
3. ABG and the State must ensure attention is provided in the area of mental health and trauma counselling, a situation exacerbated by the conflict, and predominantly affecting women.

ARTICLE 13: ECONOMIC AND SOCIAL LIFE

New challenges to inheritance, custodial, and ownership rights over land which is passed down through women concern everyone. The Government has been negligent in protecting and assisting women in their inheritance claims to land and their ability to retain any decision making powers over land.

The law is seen as inadequate in protecting women's inherent rights to land. Courts routinely rule in favour of men and their claims to land instead of following the oral traditions that support women's land owning rights.

As the value of the land increases with speculation and investment by foreign developers, women have become more vulnerable to the loss of this most significant economic asset and base.

RECOMMENDATION

The Autonomous Bougainville Government and COEs must take appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

1. The right to family benefits.
2. The right to bank loans, mortgages, and other forms of financial credit.
3. The right to participate in recreational activities, sports, and all aspects of cultural life.
4. The right to forge programs to enhance women's entrepreneurship in economic activities on equal footing with men.
5. The right of way on decisions on inheritance, tenure, and use of land where activities may affect succession and ownership rights.

ARTICLE 14: RURAL WOMEN

Rural women are especially vulnerable to discrimination described throughout this Report. Special efforts are needed in order to reach women and provide assistance with health issues, inadequate education, land theft, unsafe infrastructure, and environmental conditions including toxic water and run off from mines.

Few rural women were allowed to participate in decision-making government organisations or elected to political office. Their political power within government is negligible. Women are systematically overlooked and denied necessary services.

RECOMMENDATIONS

1. ABG and COEs must take into account the particular problems faced by rural women and the significant roles that rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy.
2. ABG must take appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
3. ABG and COEs must take appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - a. To participate in the elaboration and implementation of development planning at all levels.
 - b. To have access to adequate health care facilities, including information, counselling and services in family planning.
 - c. To benefit directly from social security programmes.

- d. To obtain all types of training and education, formal and non-formal, including threat relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency.
- e. To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment of self employment.
- f. To participate in all community activities.
- g. To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes.
- h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.
- i. ABG and COEs must develop and promote programs which recognize the traditional values of women in rural areas while assisting them to attain a level of development and power to ensure they have the means of self sufficiency.

ARTICLE 15: EQUALITY BEFORE THE LAW AND IN CIVIL MATTERS

As in PNG, the rule of law and the State's ability to protect its citizens are very tenuous and the risk of lawlessness falls especially hard on women. Access to remedies through the courts is limited because of the very few courts available. Even when women are able to use the courts and the outcome is favourable to them, enforcement of the court order is impossible through the failure of a legal mechanism.

RECOMMENDATIONS

- 1. ABG must accord to women equality with men before the law.
- 2. ABG must accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they must give women equal rights to conclude contracts and to administer property and must treat them equally in all stages of procedure in courts and tribunals.
- 3. Consistent with the States Parties, ABG must ensure that all contracts and all other private instruments of any kind with a legal effect that is directed at restricting the legal capacity of women must be deemed null and void.
- 4. Consistent with States Parties, ABG must accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

ARTICLE 16: MARRIAGE AND FAMILY LAW

Women continue to face discrimination, humiliation, and disadvantages through the practise of polygamy and traditional marriages. This is more prevalent after the crisis. The practise is more common with business success and financial wealth. Lack of access to courts in most regions, coupled with the remoteness and isolation of many areas, render women helpless to enforce their rights. The occurrence of under-age marriage appears to be increasing as a result of the break down over social structures and power of women that normally would protect and counsel young girls from exploitation by men.

RECOMMENDATIONS

ABG must take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations, and in particular must ensure, on the basis of equality between men and women:

1. The same right to enter into marriage.
2. The same right freely to choose a spouse and to enter into marriage only with their free and full consent.
3. The same rights and responsibilities during marriage and at its dissolution.
4. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children must be paramount.
5. The same rights to decided freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.
6. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children must be paramount.
7. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
8. The fair application of all aspects of family law including divorce, child custody, property settlements and recognition of traditional property rights of women.



Interaction between women of Bougainville and Highlands women

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